



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 8, 1996

Ms. Eugenia A. Cano
City Attorney
City of Alvin
216 W. Sealy
Alvin, Texas 77511

OR96-0303

Dear Ms. Cano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38847.

The City of Alvin ("Alvin") received an open records request to review the "contract or letter of intent [between Alvin and] Sanifill, Inc." You contend that the requested information is protected from required public disclosure under section 552.104.

Section 552.104 excepts from required public disclosure "information that, if released, would give advantage to a competitor or bidder." In Open Records Decision No. 593 (1991), this office recognized that a governmental body could be considered a competitor in the marketplace in certain limited circumstances, *i.e.*, only when the governmental body is specifically authorized by constitutional or statutory law to compete with private enterprises. *Id.* at 4. The circumstances in this case differ from those in Open Records Decision No. 593 (1991). Although the city has statutory authorization to enter into contracts to enable it to furnish or receive solid waste management services, we do not think this statutory authorization constitutes specific authority to compete. Accordingly, we conclude that section 552.104 does not permit you to withhold the requested information in this case.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Karen Hattaway".

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 38847

Enclosures: Submitted documents

cc: Mr. J.R. Tyson
113 S. Hardie
Alvin, Texas 77511
(w/o enclosures)